

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CRANBURY BRICK YARD, LLC,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*

Defendants.

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Civil Action No. 15-2789 (BRM)(LHG)

ORDER

THIS MATTER is opened to the Court by (1) Defendants the United States of America, the United States Department of the Navy, and the United States Department of the Army's (the "United States") Motion for Summary Judgment (ECF No. 49) and (2) Plaintiff Cranbury Brick Yard, LLC's ("CBY") Motion for Summary Judgment (ECF No. 51). Both motions are opposed. (ECF Nos. 54 & 56.) The Court having reviewed the parties' submissions filed in connection with the motions and having declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying Opinion, and for good cause shown,

IT IS on this 17th day of September 2018,

ORDERED that the United States' Motion for Summary Judgment (ECF No. 49) is **GRANTED**; and it is further

ORDERED that CBY's Motion for Summary Judgment (ECF No. 51) is **DENIED**; and it is further

ORDERED that the accompanying Opinion be filed under temporary seal; and it is finally

ORDERED that, by October 1, 2018, the parties shall jointly submit a proposed redacted opinion for the Court's review such that it may be posted to the public docket. The proposed redactions may be emailed to the Court at njdnef_martinotti@njd.uscourts.gov.

/s/ **Brian R. Martinotti**
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE